

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Juan Arango	Team: Squad #9	CCRB Case #: 202003169	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/29/2020 2:00 PM	Location of Incident: Grand Concourse/Fordham Road train station (B/D lines)	Precinct: 46	18 Mo. SOL 10/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 04/30/2020 9:32 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/11/2020 11:32 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Shauna Smith	03584	957178	TB DT11
2. POF Marshalet Scott	17091	964285	TB DT11
3. POF Sibel Yilmaz	29046	967399	TB DT01
4. POM Brad Cohen	23493	967009	TB DT11

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Jennifer Hernandez	01519	942279	TB DT11
2. POM Nelson Castrillon	13198	964977	TB DT11
3. POM Joshua Castro	03697	966496	TB DT11
4. POF Hashi Aktar	23160	962206	TB DT11
5. POM Michael Wager	02073	960063	TB DT11
6. POM Dennis Polanco	22057	959903	TB DT11
7. POM Joseph Illesca	25852	953984	TB DT11
8. POF Julissa Molina	28878	957865	TB DT11

Officer(s)	Allegation	Investigator Recommendation
A.POF Marshalet Scott	Abuse: Police Officer Marshalet Scott issued an unlawful summons to § 87(2)(b)	
B.POF Marshalet Scott	Force: Police Officer Marshalet Scott used physical force against § 87(2)(b)	
C.POF Sibel Yilmaz	Force: Police Officer Sibel Yilmaz used physical force against § 87(2)(b)	
D.POM Brad Cohen	Force: Police Officer Brad Cohen hit § 87(2)(b) against a wall.	
E.POF Marshalet Scott	Force: Police Officer Marshalet Scott hit § 87(2)(b) against a wall.	
F.POM Brad Cohen	Abuse: Police Officer Brad Cohen refused to provide his name to § 87(2)(b)	
G.POF Marshalet Scott	Abuse: Police Officer Marshalet Scott refused to provide her name to § 87(2)(b)	
H.POF Shauna Smith	Abuse: Police Officer Shauna Smith refused to provide her name to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

### Case Summary

On April 30, 2020, § 87(2)(b) filed this complaint with IAB, generating Original Log Number § 87(2)(b). This complaint was received at the CCRB on May 11, 2020, via log § 87(2)(b). On August 25, 2020, this case was reassigned to Inv. Juan Arango after Inv. Leilani Rhodes' departure from the agency.

On April 29, 2020, at approximately 2:00 p.m., § 87(2)(b) entered Fordham Road/Grand Concourse train station (B/D lines) in the Bronx. After § 87(2)(b) walked downstairs to the platform, she observed PO Marshalet Scott and PO Sibel Yilmaz, of Transit Bureau District 11, descending the same stairs and standing close to her without any facial masks. § 87(2)(b) told the officers, "Let me get away from these niggas because I don't want to get sick. They are walking around without masks and I don't want to catch coronavirus." PO Scott told § 87(2)(b) to leave the subway station; to which, § 87(2)(b) refused. At some point, PO Scott grabbed § 87(2)(b) with the assistance of PO Yilmaz to place § 87(2)(b) in handcuffs and issue her a summons for disorderly conduct, but § 87(2)(b) held tightly onto a pole (**Allegation A: Abuse of Authority - Unlawful summons, § 87(2)(g)**). At some point, PO Cohen responded to the incident location and PO Scott and PO Cohen pushed § 87(2)(b) against the pole (**Allegations B and C: Force: Physical force, § 87(2)(g)**). The officers eventually placed § 87(2)(b) in handcuffs and transported her to the stationhouse. At some point, inside the police vehicle, PO Cohen, PO Scott and PO Smith allegedly refused to provide their names (**Allegations D and E: Force – Hit against inanimate object, § 87(2)(g)**). The officers eventually placed § 87(2)(b) in handcuffs and transported her to the stationhouse. At some point, inside the police vehicle, PO Cohen, PO Scott and PO Smith allegedly refused to provide their names (**Allegations F, G and H: Abuse of Authority: Refusal to provide name, § 87(2)(g)**).

At the end, § 87(2)(b) was released and issued a C-Summons for disorderly conduct (**Board Review 01**). The narrative on the summons states that § 87(2)(b) was observed causing public alarm and that she was told to exit the subway station for acting disorderly, but she refused to do so.

The investigation obtained Body-Worn Camera footage for this incident (**Board Review 02**).

§ 87(2)(b) provided a cellphone video to the investigation (**Board Review 20**).

Inv. Leilani Rhodes requested MTA video footage prior to the case being reassigned. However, the MTA informed that the video expired (**Board Review 03**).

§ 87(2)(g), § 87(4-b)

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Marshalet Scott issued an unlawful summons to**

§ 87(2)(b)

**Allegation (B) Force: Police Officer Marshalet Scott used physical force against** § 87(2)(b)

**Allegation (C) Force: Police Officer Sibel Yilmaz used physical force against** § 87(2)(b)

**Allegation (D) Force: Police Officer Brad Cohen hit** § 87(2)(b) **against a wall.**

**Allegation (E) Force: Police Officer Marshalet Scott hit** § 87(2)(b) **against a wall.**

During her CCRB interview, § 87(2)(b) stated that after she observed that PO Scott and PO Yilmaz were not wearing any personal protective equipment during the COVID-19 pandemic, she became upset and said to them, "Let me get away from these niggas because I don't want to get sick. They are walking around without masks and I don't want to catch coronavirus" (**Board Review 04**). § 87(2)(b) was seven months pregnant at the time and the officers not wearing masks heightened her concerns. § 87(2)(b) walked away from the officers and PO Scott asked, "What did she say?" In response, § 87(2)(b) said, "I said, let me move away from y'all niggas because I don't want to get sick." PO Scott then told § 87(2)(b) to leave the subway station. § 87(2)(b) asked PO Scott why she needed to leave and explained she did not do anything wrong. In response, PO Yilmaz said, "You are harassing us." § 87(2)(b) refused to leave the station and said, "I have the right to say what I said, and y'all need to be six feet away from me." § 87(2)(b) and the officers then engaged in a back and forth for approximately five minutes; during which, PO Scott repeatedly told § 87(2)(b) that she needed to leave, but § 87(2)(b)

refused. Right after, § 87(2)(b) observed that PO Scott and PO Yilmaz began to put their gloves and masks on and to walk towards her. § 87(2)(b) pulled out her cellphone to record and told the officers to stay six feet away from her and that she was pregnant. PO Scott tried to grab § 87(2)(b) by her belly but failed. § 87(2)(b) refused to be put in handcuffs by wrapping both of her arms around a pole. PO Scott attempted to grab her arms and place them behind her back, but § 87(2)(b) held on tightly to a pole that was close to the edge of the platform. PO Scott attempted to grab § 87(2)(b) arms and place them behind her back, but § 87(2)(b) kept on holding tightly onto the pole. PO Scott then called additional units over the radio.

Less than five minutes later, PO Cohen ran aggressively towards her like a football player. PO Cohen approached § 87(2)(b) from the front. He put one of his feet in front of her right foot, which caused her to lose her balance and trip a little bit. This then caused § 87(2)(b) to let go of the pole. PO Cohen then allegedly pushed § 87(2)(b) into the pole, which caused her stomach to hit the pole. PO Cohen then used both hands to put her arms behind her back and placed her in handcuffs. § 87(2)(b) believed PO Cohen was not assisted by any other officer.

§ 87(2)(b) provided the investigation with a cellphone video she recorded during this incident (**Board Review 19**). The video begins with § 87(2)(b) standing in front of PO Scott and PO Yilmaz. PO Scott tells § 87(2)(b) that she needs to leave the station. In response, § 87(2)(b) tells PO Scott, “I didn’t do nothing wrong. I did nothing wrong. All I said was I need to move away from you.” § 87(2)(b) then ask PO Scott, “So, you are going to violate me because I said something to you to myself?” PO Yilmaz replies, “This is a train station. You don’t...” and then adds something inaudible. § 87(2)(b) interjects and says, “I didn’t do nothing. I am standing here.” PO Scott tells § 87(2)(b) “Listen. I am going to ask you nicely one more time to leave the station.” § 87(2)(b) replies, “What did I do? I am on my way to my job. I didn’t do nothing” PO Scott tells § 87(2)(b) that she needs to leave the station and fixes her gloves.

At the 00:26 seconds mark, PO Scott asks § 87(2)(b) “Alright, I need to tell you again to leave the station?” § 87(2)(b) asks, “Why do I need to leave the station?” PO Scott says, “Okay. Let’s go” and take a step towards § 87(2)(b). § 87(2)(b) steps back and tells PO Scott not to touch her. § 87(2)(b) then raises her voice and says, “Do not touch me. I am pregnant. Do not touch me” while she walks away from PO Scott. PO Scott replies, “I don’t care if you are pregnant” and gets closer to § 87(2)(b). § 87(2)(b) begins to raise her voice even louder and tells PO Scott not to touch her because she did not do anything wrong. § 87(2)(b) continues walking away from PO Scott and PO Yilmaz as she states, “All I said was ‘I need to move away from you niggas’ and now I gotta leave the station? Why? No. I did nothing wrong. Fuck outta here.” § 87(2)(b) continues walking away as she faces the officers. PO Scott and PO Yilmaz walks slowly towards § 87(2)(b). § 87(2)(b) continues raising her voice and says, “I did nothing wrong and they are harassing me. Just to harass. I am going to my job” At the 1:00-minute mark, PO Scott and PO Yilmaz continue walking towards § 87(2)(b) as § 87(2)(b) says, “You need to leave me the fuck alone.” The officers get closer to § 87(2)(b) and she tells the officers to keep social distance and stay six feet away while she walks away. § 87(2)(b) says, “Back the fuck up.” PO Scott and PO Yilmaz then walk towards § 87(2)(b) and § 87(2)(b) says, “I am not doing nothing to y’all.” Right after, § 87(2)(b) stops recording the video. At not point, this cellphone video shows other subway passengers gathering around or recording this incident with their cellphones.

PO Scott’s BWC footage begins with PO Scott standing in front of § 87(2)(b) who is next to the edge of the platform and who appears to be speaking to PO Scott as she makes hand gestures. The first 30 seconds of video does not have any sound. At the 14:14:45 timestamp, PO Scott gets closer to § 87(2)(b) and the BWC falls upright to the ground. PO Scott can be seen grabbing § 87(2)(b) who moves her hands away as she then starts yelling, “Yo, what the fuck is wrong with you? Are you serious? Get off me.” Right after, PO Yilmaz picks up PO Scott’s BWC footage from the ground and walks towards the area where PO Scott and § 87(2)(b) are now while § 87(2)(b) can be heard saying, “Get off me. I am not doing nothing wrong. Get off me.” PO Scott can also be heard in the background saying, “Let me see your hands.” § 87(2)(b) yells, “No” and says, “This bitch is fucking...deadass? I am not doing nothing wrong.” PO Yilmaz finally approaches PO Scott and § 87(2)(b) while the BWC shakes

and makes contact with one of the officer's uniform. At the 14:15:07 timestamp, § 87(2)(b) says, "This is crazy. Somebody reports this. I am pregnant." Either PO Scott or PO Yilmaz tells § 87(2)(b) "Listen, turn around" while § 87(2)(b) yells and replies, "No. Let go of me. Yo, I am not doing nothing wrong. This is crazy. I am pregnant. Look how they are grabbing me. This is crazy. Let me go. I didn't do nothing. I didn't do nothing." § 87(2)(b) continues yelling as the BWC camera is covered by some surface.

At the 14:15:40 timestamp of PO Scott's BWC footage, § 87(2)(b) is captured holding onto a pole, in the center of the platform (**Board Review 05**). § 87(2)(b) says, "This is crazy, please. Please." PO Yilmaz tells § 87(2)(b) to relax while § 87(2)(b) says, "Somebody help." PO Yilmaz then asks § 87(2)(b) why she does not leave the station and § 87(2)(b) says that she needs to get to work and that she has not done anything wrong. At the 14:16:16 timestamp, § 87(2)(b) asks the officers what she did wrong and why she is being manhandled. In response, PO Yilmaz tells § 87(2)(b) that PO Scott asked her to leave the station because she was harassing people, starting with them. At the 14:17:15 timestamp, while § 87(2)(b) is speaking and holding onto the pole with her left hand, PO Scott grabs § 87(2)(b) left hand and pulls it behind her back. § 87(2)(b) screams while the BWC begins to shake severely and falls downward onto the ground. § 87(2)(b) then screams and says, "My stomach" while a female voice asks, "What happened?" § 87(2)(b) continues yelling, "I didn't do nothing wrong. I didn't do nothing wrong."

At the 14:17:15 timestamp of PO Cohen's BWC footage, PO Cohen approaches § 87(2)(b) PO Scott and PO Yilmaz (**Board Review 06**). § 87(2)(b) is captured holding onto the pole with her left hand and holding a cellphone and a plastic bag with her right hand. Upon approaching § 87(2)(b) on her right side, PO Cohen's BWC begins to shake severely as he stands behind § 87(2)(b). Right after, at the 14:17:20 timestamp, PO Cohen's BWC audio starts and § 87(2)(b) can be heard yelling, "My stomach" while the BWC shakes in close proximity to § 87(2)(b) back.

At the 14:17:18 timestamp of PO Smith's BWC footage, PO Smith approaches § 87(2)(b) on her left side (**Board Review 07**). § 87(2)(b) can be seen holding onto a pole as she leans forward, and the officers pull her arms behind her back. PO Smith's BWC gets in close proximity with § 87(2)(b) body and the officers' hands as they struggle with § 87(2)(b) who have one of her hands behind her back, but the other one not.

At the 14:17:25 timestamp of PO Cohen's BWC footage, § 87(2)(b) appears to have at least one arm behind her back (**Board Review 06**). PO Cohen says, "Cuff her." § 87(2)(b) appears to be holding the white plastic bag with the hand that she has behind her back as PO Scott and PO Cohen pull the bag in an attempt to remove it from § 87(2)(b) hand. However, § 87(2)(b) continues holding onto the plastic bag and her phone. Simultaneously, the sound of a cuff can be heard as § 87(2)(b) yells and appears to move her hands. Right after, PO Cohen says, "Let go. Let go." PO Scott, PO Cohen and PO Smith appear to secure the handcuffs. § 87(2)(b) appears to slightly lean forward and yells, "My stomach, please. I am pregnant."

At the 14:17:38 timestamp of PO Scott's BWC footage, after someone picked the BWC from the ground, § 87(2)(b) is captured leaning against the pole while screaming and saying she did not do anything wrong (**Board Review 05**). The officers are captured securing the handcuffs behind her back while § 87(2)(b) says, "My stomach, please. I am pregnant."

At the 14:28:39 timestamp of PO Scott's second BWC footage, while riding to the stationhouse, § 87(2)(b) asks PO Scott, "Why did you have to slam me against the pole like that? I have a pretty big belly." PO Scott does not say anything in response (**Board Review 08**).

During her CCRB interview, PO Scott stated that once she and PO Yilmaz went down the stairs onto the platform, § 87(2)(b) started to yell at them. PO Scott did not independently remember the statements § 87(2)(b) made at the time and did not remember why § 87(2)(b) was yelling, but remembered she was yelling "very loudly" which was getting the public's attention. PO Scott told § 87(2)(b) to calm down, but § 87(2)(b) continued yelling at them. As a result, approximately 35 to 40 individuals started to come from the middle of the platform towards the officers and § 87(2)(b) who were closer to the edge. The bystanders had their phones out and others told § 87(2)(b) to cooperate

and leave. In response, PO Scott asked § 87(2)(b) to leave the station, but she refused (**Board Review 09**). Right after, PO Scott attempted to escort § 87(2)(b) out of the subway station by approaching her and holding on to her arm. PO Scott physically indicated that she placed her hand on her upper arm on one of § 87(2)(b) arms and eventually tried to guide her in one direction. In response, § 87(2)(b) held onto a pole as she kept yelling. When PO Cohen and PO Smith arrived, § 87(2)(b) was still holding onto the pole and PO Scott was holding onto § 87(2)(b) arm. The officers then placed § 87(2)(b) in handcuffs. PO Scott did not place § 87(2)(b) in handcuffs and did not remember who did it. PO Scott did not observe what actions were taken to get this done. When asked if something obstructed her view, PO Scott disagreed but said that there was a lot of people at the platform, and she was paying attention to everyone. When asked, PO Scott stated she did not push § 87(2)(b) against the pole at any point and neither she saw PO Cohen or other officers push her. PO Scott stated that no bystander ever attempted to interference with her duties and that no one touched her. PO Scott was asked to specify which elements of public alarm were present during this incident. PO Scott explained that § 87(2)(b) was yelling, screaming and getting the public's attention.

During her CCRB interview, PO Yilmaz stated that § 87(2)(b) began to yell at them, "I got to stay away from you niggas" PO Yilmaz did not pay attention to § 87(2)(b) statement, but § 87(2)(b) repeated, "I gotta stay away from you niggas. You guys have all kinds of viruses, going around carrying diseases" (**Board Review 10**). PO Yilmaz disregarded § 87(2)(b) statement, but § 87(2)(b) kept saying things to PO Yilmaz and PO Scott and cursing at them. PO Yilmaz did not remember what else § 87(2)(b) was saying at the time. Right after, PO Scott told § 87(2)(b) to calm down, but § 87(2)(b) kept cursing at them. In response, PO Scott told § 87(2)(b) that she had to leave the station because she was acting disorderly and was putting them in danger, but § 87(2)(b) refused, said that she had paid her fare and that she did not do anything. § 87(2)(b) then kept yelling at the officers. PO Scott asked § 87(2)(b) to leave the station again, but § 87(2)(b) refused once more. Right after, PO Scott grabbed § 87(2)(b) from her arm and tried to guide her outside of the station. In response, § 87(2)(b) began to yell, resist and say that she did not do anything and that she was not leaving. PO Scott and PO Yilmaz began to struggle with § 87(2)(b) to place her in handcuffs, but § 87(2)(b) did not comply and continued yelling. At some point, people started to gather around the officers. § 87(2)(b) was talking to the bystanders and continued screaming. The bystanders were telling the officers to stop and making fun of them. PO Yilmaz did not remember exactly what the bystanders were saying or how many were there. During the struggle, § 87(2)(b) told the officers that she was pregnant. The bystanders were a couple of car lengths from the officers. PO Yilmaz did not recall if any civilian ever tried to intervene.

After PO Cohen and PO Smith arrived, all the officers were holding onto § 87(2)(b) to place her in handcuffs. PO Yilmaz believed that either PO Cohen, PO Scott or PO Smith placed § 87(2)(b) in handcuffs. PO Yilmaz was grabbing § 87(2)(b) left upper arm while she used her feet to block § 87(2)(b) leg given that she was moving. When asked if any other force was used to place § 87(2)(b) in handcuffs, PO Scott said that the officers just grabbed her hands and arms. PO Yilmaz did not recall if either PO Scott, PO Cohen or PO Smith pushed § 87(2)(b) against the pole while putting her in handcuffs. PO Yilmaz did not believe § 87(2)(b) was close to the pole when she was being put in handcuffs. PO Yilmaz said § 87(2)(b) was not ever push in any other way. PO Yilmaz was asked to specify which elements of disorderly conduct were present. PO Yilmaz explained that § 87(2)(b) was acting disorderly because she was the one who approached them and started cursing at them constantly. When asked why § 87(2)(b) was putting them in danger, PO Yilmaz stated that she did not know § 87(2)(b) or what § 87(2)(b) was capable of which could be dangerous. PO Yilmaz said that they gave § 87(2)(b) multiple opportunities to calm down before they asked her to leave but she continued yelling and cursing at them which put the officers in danger. PO Yilmaz was presented with PO Scott's BWC video and she acknowledged saying that § 87(2)(b) was harassing people because she was harassing them an saying different things to them.

During his CCRB interview, PO Cohen explained that when he approached § 87(2)(b) who was holding onto a pole, next to PO Scott and PO Yilmaz, he took out his handcuffs and grabbed § 87(2)(b) arms with the assistance of PO Smith, PO Yilmaz and PO Scott. While they attempted to place

§ 87(2)(b) in handcuffs, she was holding onto a bag and PO Cohen told her to drop the bag, but § 87(2)(b) did not comply. PO Cohen described § 87(2)(b) as being physically resistant. She was pulling away from the officers and moving her body while yelling. Even though § 87(2)(b) continued holding onto the bag, PO Cohen and the officers were able to place her in handcuffs. This whole process lasted for approximately five to ten seconds. When asked if he used any other type of force against § 87(2)(b) PO Cohen said no. PO Cohen explained that he did not push § 87(2)(b) against the pole while putting her in handcuffs. PO Cohen stated that he did not see PO Scott, PO Smith or PO Yilmaz push § 87(2)(b).

Although PO Scott alleged that § 87(2)(b) was acting disorderly because she was yelling at them, drawing people's attention, and causing a crowd of approximately 35 to 40 people to form, based on § 87(2)(b) and PO Yilmaz's statements and the videos obtained, the investigation discredited PO Scott's testimony and determined that § 87(2)(b) began to draw people's attention and a crowd of people began to form, only after the officers asked her to leave and placed their hands on her to eject her from the subway station.

Although § 87(2)(b) can be heard in footage yelling and referring to her abdomen as the officers began to place her in handcuffs, due to the BWC's instability and close proximity to the bodies of everyone involved, none of the videos clearly show what other actions the officers were taken at the time besides grabbing her arms.

New York State Penal Law 240.20 (Board Review 17) – A person is guilty of disorderly conduct when, with intent to cause public alarm, or recklessly creating a risk thereof he engages in fighting or in violent, tumultuous, or threatening behavior, or he makes unreasonable noise, or in a public place, he uses abuse or obscene language, or makes obscene gesture; or without lawful authority, he disturbs any lawful assembly or meeting of persons.

A charge of disorderly conduct requires proof of an intent to threaten public safety, peace, or order (or the reckless creation of such a risk). Thus a person may be guilty of disorderly conduct only when the situation extends beyond the exchange between the individual disputants to a point where it becomes a potential or immediate public problem. The fact that defendant's abusive statements were directed exclusively at a police officer, a party trained to defuse situations involving angry or emotionally distraught persons, undermines any inference that there was a threat of public harm. People v. Baker, 20 N.Y.3d 354, 363 (2013) (**Board Review 21**)

Patrol Guide Procedure 221-01 (Board Review 18) – Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. In determining whether the use of force is reasonable, officers should consider 1) the nature and severity of the crime, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, MOS and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, subject's violent history, presence of hostile crowd or agitators and subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.

PO Scott and PO Yilmaz stated that prior to asking § 87(2)(b) to leave the train station, she had only been yelling at them and possibly cursing at them. § 87(2)(g)

The exchange was solely between the officers and § 87(2)(b). There was no potential or immediate threat to public safety, peace, or order. § 87(2)(g)

In deciding whether force is reasonable, the Patrol Guide states that an officer should consider the nature and severity of the crime committed. The officers were placing § 87(2)(b) in custody for disorderly conduct and as discussed above, the investigation found that § 87(2)(b) had not committed



§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Scott's second BWC footage begins while an officer is closing the back passenger side door (Board Review 08). § 87(2)(b) is seating on the back passenger seat while PO Scott is on the back driver side seat. PO Cohen is driving the RMP while PO Smith is seating on the front passenger seat. At the 14:26:10 timestamp, PO Cohen begins driving the RMP. PO Scott's BWC captured the entire ride to the TB DT11's stationhouse until she gets lodge into a holding cell. At no point, § 87(2)(b) asked the officers' for their names.

§ 87(2)(g)

[REDACTED]



### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Scott has been a member-of-service for four years and this is the first CCRB complaint to which she has been a subject (see officer history).
- PO Cohen has been a member-of-service for two years and has been a subject in one CCRB complaint and one allegation, which was closed as complainant unavailable (see officer history).
- PO Yilmaz has been a member-of-service for two years and she has been a subject in once CCRB complaint and one allegation, which was closed as complaint withdrawn (see officer history).
- PO Smith has been a member-of-service for seven years and this is the first CCRB complaint to which she has been a subject (see officer history).

## Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of August 10, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**Board Review 14**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Squad: 9

Investigator: \_\_\_\_\_ Inv. Juan Arango \_\_\_\_\_ 12/28/2021 \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: Monique West      IM Monique West      01/06/2022  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_